

## UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

## AMENDED PROOF OF CLAIM

Name of Debtor: Lehman Brothers, Inc.	Case Number: 08-01420 (JMP) SIPA
NOTE: This form should not be used to make a claim for an administrative expense arising after the commen administrative expense may be filed pursuant to 11 U.S.C. § 50	cement of the case. A request for payment of an 3.
Name of Creditor (the person or other entity to whom the debtor owes money or property): Neu Holdings Corporation	Check this box to indicate that this claim amends a previously filed claim.
Name and address where notices should be sent:	
Neu Holdings Corporation n/k/a Neu Holdings U.S. Corporation	Court Claim Number: 5650
c/o David D. Farrell	(If known)
Thompson Coburn LLP	
One US Bank Plaza, Suite 3200	Filed on: June 1, 2009
St. Louis, Missouri 63101	
Telephone number: 314-552-6144	
Name and address where payment should be sent (if different from above):  Same as above	Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
Telephone number:	Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: \$19,796,549.75*	5. Amount of Claim as Entitled to
*See attachment A.  If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.  If all or part of your claim is entitled to priority, complete item 5.	Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the
	amount.
Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.	Specify the priority of the claim.
2. Basis for Claim: See Attachment A  (See instruction #2 on reverse side.)	Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).
3. Last four digits of any number by which creditor identifies debtor: 11/a	Wages, salaries or commissions (up
3a. Debtor may have scheduled account as: <u>n/a</u> (See instruction #3a on reverse side.)	to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11
4. Secured Claim (See instruction #4 on reverse side.)	U.S.C. §507(a)(4).
Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.	Contributions to an employee benefit plan - 11 U.S.C. §507(a)(5).
Nature of property or right of setoff: Real Estate Motor Vehicle Other  Describe:	Up to \$2,425* of deposits toward purchase, lease, or rental of property
Value of Property: \$ Annual Interest Rate%	or services for personal, family, or
Amount of arrearage and other charges as of time case filed included in secured claim,	household use - 11 U.S.C. §507 (a)(7).
if any: \$ Basis for perfection:	☐ Taxes or penalties owed to
Amount of Secured Claim: \$ Amount Unsecured: \$	governmental units - 11 U.S.C. §507 (a)(8).
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.	Other - Specify applicable paragraph of 11 U.S.C. §507(a)().
7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)	Amount entitled to priority:
DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.	*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after
If the documents are not available, please explain:	the date of adjustment.
Date: March 20, 2015  Signature: The person filing this claim rust stage it. Sign and print name and title, if any, of the other person authorized to file the claim and tate address and telephone number if different from address above. Attach copy of power of attorney, if any,  David D. Farrell, Autorney-in-fact for New Holdings Corporation of k/a New Holdings U.S. Co	m the notice

## ATTACHMENT A

This proof of claim (the "Amended Proof of Claim") amends and supersedes that certain proof of claim filed on behalf of Neu Holdings Corporation n/k/a Neu Holdings U.S. Corporation ("Claimant") on June 1, 2009 and designated Claim No. 5650 (the "Original Proof of Claim").

This Amended Proof of Claim is intended to evidence Claimant's claims against Lehman Brothers, Inc. ("LBI"), which arose as a result of LBI's breach and nonperformance of its statutory, common law and/or contractual¹ duties to properly process and honor an Automated Customer Account Transfer Service request ("ACATS") that was submitted on behalf of Claimant and duly received by LBI on or before the commencement of the instant proceedings. The foregoing ACATS instructed LBI to transfer to a third-party brokerage firm the entire portfolio of investments (collectively, the "Securities Portfolio") maintained by Claimant in its brokerage account with LBI (LBI Acct. No. 837-62557-10-010).

As a result of LBI's breach and nonperformance of the above-referenced duties, Claimant was unable to access and liquidate its Securities Portfolio during the period reflected on **Exhibit A** attached hereto and expressly incorporated herein by reference and, consequently, sustained those losses set forth in said **Exhibit.**<sup>2</sup>

In further support of this Amended Proof of Claim, Claimant expressly incorporated herein by reference the following pleadings: (a) Claimants' Amended Response In Opposition to the Trustee's Two Hundred Sixtieth Omnibus Objection to General Creditor Claims (No Liability Claims) (Docket No. 9890); and (b) Claimants' Surreply In Opposition to the Trustee's Two Hundred Sixtieth Omnibus Objection to General Creditor Claims (No Liability Claims) (being filed with the Bankruptcy Court contemporaneously herewith).

Claimant expressly reserves the right to amend, restate and/or supplement this proof of claim to: (i) add and/or include any additional amounts or claims not referenced herein; (ii) provide any additional documentation that may be necessary or appropriate to further evidence and/or establish claimant's claim; and/or (iii) restate the nature and/or classification of this proof of claim (or any portion of this proof of claim) for any reason (including, but not limited to, any determination that all or any portion of this proof of claim is properly allowable as a priority and/or secured claim).

<sup>&</sup>lt;sup>1</sup> Claimant is uncertain whether it has possession of an accurate and complete copy of its brokerage account agreement(s) with LBI. Pursuant to the "Temporary Litigation Injunction" imposed under the Bankruptcy Court's *Order Establishing Claims Hearing Procedures And Alternative Dispute Resolution Procedures For General Creditor Claims Pursuant To Section 105 Of The Bankruptcy Code, Bankruptcy Rule 9014, And General Order M-452* (Docket No. 7351), Claimant has been barred for seeking the formal production of the foregoing materials. Accordingly, Claimant expressly reserves herein its potential right to assert that LBI's failure to properly process and honor Claimant's ACATS also constituted a breach of LBI's contractual obligations to Claimant under the afore-referenced brokerage account agreement(s).

As reflected on Exhibit A hereto, Claimant has not yet been able to obtain historic stock price information for Exmar SA Antwerp. Consequently, the losses associated with Clamant's inability to access and liquidate these securities during the time in question is not reflected in this Amended Proof of Claim. Once the foregoing historic price information becomes available, Claimant will supplement this Amended Proof of Claim accordingly.

## EXHIBIT A TO THE AMENDED PROOF OF CLAIM OF NEU HOLDINGS CORPORATION n/k/a NEU HOLDINGS U.S. CORPORATION

\$ 19,796,549.75							Ī
	174,000.00	29.0000 \$	¢s	\$ 213,600.00	35.6000	6,000 \$	XSIRAIA PLC
\$ 23,100.00	101,500.00	29.0000 \$	cs	\$ 124,600.00	35.6000	1	XSTRATA PLC
\$ 23,100.00	101,500.00	29.0000 \$	ક્ત	\$ 124,600.00	35.6000	3,500 \$	XSTRATA PLC
\$ 446.00	-	23.7500 \$	\$	\$ 2,821.00	28.2100	100 \$	TEEKAY CORP
\$ (5,972.00)	15,312.00	38.2800 \$	\$	\$ 9,340.00	23.3500	400 \$	SIMS GROUP LTD
\$ 892.00	3,828.00	38.2800 \$	€	\$ 4,720.00	47.2000	100 \$	SCHNITZER STL INDS NFS
\$ 3,641,212.50	18,533,362.50	226.5000 \$	\$	\$ 22,174,575.00	271.0000	81,825 \$	RIO TINTO PLC SPON ADR
\$ 2,225,000.00	11,325,000.00	226.5000 \$	€	\$ 13,550,000.00	271.0000	50,000 \$	RIO TINTO PLC SPON ADR
\$ 19,770.00	ш	74.0600 \$	↔	\$ 241,950.00	80.6500	3,000 \$	EXXON MOBIL CORP
\$ 13,180.00	148,120.00	74.0600 \$	ક	\$ 161,300.00	80.6500	2,000 \$	EXXON MOBIL CORP
	N/A	Historic Price Info. N/A	His	\$ 685,532.57	23.6619	28,972 \$	EXMAR SA ANTWERP
	N/A	Historic Price Info. N/A	His	\$ 49,051.12	23.6619	2,073 \$	EXMAR SA ANTWERP
\$ 4,190,000.00		16.7000 \$	÷	\$ 20,890,000.00	20.8900	1,000,000 \$	SPONS ADR
\$ 3,158,614.74	12,589,228.20	16.7000 \$	<del>()</del>	\$ 15,747,842.94	20.8900	753,846 \$	SPONS ADR
\$ 2,095,000.00	8,350,000.00	16.7000 \$	ક	\$ 10,445,000.00	20.8900	500,000 \$	SPONS ADR
	-	-	1			-	COMPANHIA VALE DO RIO DOCE
	-	-	69		21.0474	_	COMMERZBANK AG
10	-	-	69		21.0474	_	COMMERZBANK AG
	_	_	S				CMS ENERGY CORP
	-	-	æ		_	46,800 \$	CLEVELAND CLIFFS,INC
-1	-	$\overline{}$	ક			200,000 \$	BHP BILLITON LTD
	$\rightarrow$	$\rightarrow$	↔			85,856 \$	BHP BILLITON LTD
\$ 531,600.00	-	42.2400 \$	↔	\$ 3,066,000.00		\$ 000,00	BHP BILLITON LTD
	-	-	¢9	\$ 2,044,000.00	_	40,000 \$	BHP BILLITON LTD
\$ 120,500.00	795,000.00	15.9000 \$	<del>(S</del>	\$ 915,500.00	18.3100	50,000 \$	ANGLO AMERN PLC
-	-	15.9000 \$	<del>(S</del>	\$ 915,500.00	18.3100	50,000 \$	ANGLO AMERN PLC
11	-	-	<del>(S)</del>	\$ 867,619.35	18.3100	47,385 \$	ANGLO AMERN PLC
\$ 9,650.00	66,400.00	13.2800 \$	<del>(</del> )	\$ 76,050.00	15.2100	5,000 \$	ALLIANZ SOCIETAS EUROPAEA
\$ 9,650.00	66,400.00	13.2800 \$	€9	\$ 76,050.00	15.2100	5,000 \$	ALLIANZ SOCIETAS EUROPAEA
\$ 8,009.50	55,112.00	13.2800 \$	€S	\$ 63,121.50	15.2100	4,150 \$	ALLIANZ SOCIETAS EUROPAEA
Would Have Been Realized if Securities Were Sold on 9/29/08	<u> </u>	5.45 67 :		Realized if ACATS Had Been Properly Honored)	Price Per Share as of	Number of Pr Shares Sold	Delayed from Selling Because of LBI's Failure to Honor ACATS
Calculation of Total Loss Sustained (i.e., Total Value as of 9/26/08 less Total Value that	Would Have Been Realized Had	Closing Price Per Share as of 9/29/08 (Date on Which	of 9/2	(l.e., Gross Proceeds Claimant Mould Have			Securities that Claimant Was
			2				
			3				

<sup>\*</sup> Date on which Claimant estimates it would have been able to sell the securities listed if LBI had honored and properly processed the ACATS submitted with revert to Claimant's account at LBI. ge 1